Our Request:

The Commission should issue a brief order in response to the pending petition for declaratory ruling concluding: "IntraMTA traffic is subject to reciprocal compensation rather than access charges regardless of whether an IXC is involved in carrying the call. Under no circumstances may LECs collect access charges, from any carrier in the call path, on intraMTA calls."

FCC ORDERS

1996 LCO, ¶ 1036: "traffic to or from a CMRS network that originates and terminates within the same MTA is subject to transport and termination rates under section 251(b)(5), rather than interstate and intrastate access charges."

2011 CAF Order, ¶ 1007. "intraMTA traffic is subject to reciprocal compensation regardless of whether the two end carriers are directly connected or exchange traffic indirectly via a transit carrier."

FCC REGULATIONS

47 C.F.R. § 69.1 Application of access charges.

"(d) To the extent any provision contained in 47 CFR part 51 subparts H and J conflict with any provision of this part, the 47 CFR part 51 provision supersedes the provision of this part."

47 C.F.R. part 51 subpart H (Reciprocal Compensation)

47 C.F.R. § 51.701(b) Non–Access Telecommunications Traffic. For purposes of this subpart, Non–Access Telecommunications Traffic means:
… (2) Telecommunications traffic exchanged between a LEC and a CMRS provider that, at the beginning of the call, originates and terminates within the same Major Trading Area, as defined in § 24.202(a) of this chapter.

47 C.F.R. § 51.703 "(b) A LEC may not assess charges on any other telecommunications carrier for Non–Access Telecommunications Traffic that originates on the LEC's network."
"(c) Notwithstanding any other provision of the Commission's rules, a LEC shall be entitled to assess and collect the full charges for the transport and termination of Non–Access Telecommunications Traffic …. In no event may the total charges that a LEC may assess for such service to the called location exceed the applicable transport and termination rate."